

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT)	
FINANCE AGENCY)	
Plaintiff)	
)	
v.)	
)	
ADP MARSHALL, INC., a FLUOR)	
DANIEL COMPANY, and FIREMAN'S)	
FUND INSURANCE COMPANY)	
<u>Defendants</u>)	
)	
ADP MARSHALL, INC.)	
Plaintiff in Counterclaim)	
)	
v.)	
)	
MASSACHUSETTS DEVELOPMENT)	
FINANCE AGENCY)	
<u>Defendant in Counterclaim</u>)	
)	
ADP Marshall, Inc.)	
Third Party Plaintiff)	
)	
v.)	
)	
ALLIED CONSULTING ENGINEERING)	
SERVICES, INC. ANDOVER CONTROLS)	
CORPORATION, R & R WINDOW)	
CONTRACTORS, INC., AND DELTA)	
KEYSPAN, INC. N/K/A DELTA)	
KEYSPAN, LLC, MADDISON)	
ASSOCIATES, INC., UNITED STATES)	
FIDELITY AND GUARANTY COMPANY)	
FIDELITY AND DEPOSIT COMPANY)	
OF MARYLAND, NATIONAL GRANGE)	
MUTUAL INSURANCE COMPANY,)	
TRAVELERS CASUALTY AND SURETY)	
COMPANY OF AMERICA, AMERICAN)	
HOME ASSURANCE COMPANY,)	
HARTFORD ROOFING COMPANY, INC.,)	
and SPAGNOLO/GISNESS &)	
ASSOCIATES, INC.)	
<u>Third Party Defendants.</u>)	

C.A. No.: CV 10203 PBS

**LIST OF EXHIBITS OF PLAINTIFF, MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY, IN SUPPORT OF ITS BRIEF IN OPPOSITION TO
DEFENDANT'S, ADP MARSHALL, INC.'S, AND FIREMAN'S FUND
INSURANCE COMPANY'S, MOTION FOR SUMMARY JUDGMENT**

Exhibit A: Contract between ADP and MDFA.

Exhibit B: Certificate of Substantial Completion, AIA Document G704.

Exhibit C: January 8, 2002, correspondence from William M. Whelan to ADP entitled "Mechanical System Issues list".

Exhibit D: July 29, 2002, memorandum from Neal Hannon to Robert Greetham.

Exhibit E: September 6, 2002, memorandum from William M. Whelan to Robert Greetham.

Exhibit F: ADP's June 5, 2002, Petition to the Division of Administrative Law Appeals (hereinafter "DALA").

Exhibit G: MDFA's Answer to ADP's Petition.

Exhibit H: Administrative Law Judge Sarah Luick's Decision on the DALA hearings.

Exhibit I: ADP's Motion for Reconsideration/Clarification of the DALA Decision.

Exhibit J: MDFA's Opposition to ADP's Motion for Reconsideration/Clarification of the DALA Decision.

Exhibit K: Administrative Law Judge Sarah Luick's Decision on ADP's Motion for Reconsideration/Clarification.

Exhibit L: Transcript of DALA Proceedings between ADP and MDFA. (Pages 68-75 are excerpted and highlighted for this Court's convenience.)

Exhibit M: Cover Page, Table of Contents and §15-3[a][2] of James J. Myers, Massachusetts Construction Law, (2004).

Exhibit N: Affidavit of William M. Whelan.

Respectfully submitted,
MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY
By its attorneys,



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